

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

April 13, 2004  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Chow, Hirsch, Mallory, Niemann, Silver,  
Turner  
Absent: None

### Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Kyle Drake (Parks), Scott Ledet (Fire) and Kimberly Bettis (City Manager).

Ron Whitehead, City Manager, announced the following upcoming events: Employee Meritorious Luncheon on April 15, 2004; Bone Star Jam Concert on April 17, 2004; National Arbor Day on April 24, 2004 and the Addison Business Association (ABA) Picnic on April 24, 2004.

### Item #R2 – Consent Agenda

Item #2a – Approval of the Minutes for the March 23, 2004 Council Meeting. (Approved)

Item #2b – Consideration of approval of a Change Order in an amount not to exceed \$117,795.00 to a previously approved contract with Abstract Construction Company for changes to Addison Circle Park. (Approved)

Councilmember Silver moved to duly approve the above items. Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

### Item #R3 – Appointment of a member to the Planning and Zoning Commission.

Councilmember Niemann moved to duly appoint Roger Chafin, 3761 Park Place, to the Planning and Zoning Commission. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R4 – **PUBLIC HEARING** and consideration of an Ordinance approving development plans for a bank with drive-through facilities in an existing Planned Development District,

Ordinance No. 460, as amended, located on 1.29 acres at the southeast corner of Belt Line Road and Surveyor Boulevard, on application from SouthTrust Bank, represented by Mr. Bryan M. Burger of Lawrence A. Cates and Associates, LLP.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Mallory moved to duly pass Ordinance No. 004-020 approving development plans for a bank with drive-through facilities in an existing Planned Development District, Ordinance No. 460, as amended, located on 1.29 acres at the southeast corner of Belt Line Road and Surveyor Boulevard, subject to the following conditions:

1. All mechanical equipment must be screened from view.
2. The landscaping plan shall be revised to replace the Cedar Elm Tree shown on the plan with Live Oak trees.
3. The dumpster enclosure shall be constructed out of the same brick as the building.

Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R5 – Consideration of approval of a final plat for two lots on 2.8958 acres in a Planned Development District, located at the southeast corner of the intersection of Belt Line Road and Surveyor Boulevard, on application from SouthTrust Bank, represented by Mr. Bryan M. Burger of Lawrence A. Cates and Associates, LLP.

Councilmember Mallory moved to duly approval a final plat for two lots on 2.8958 acres in a Planned Development District, located at the southeast corner of the intersection of Belt Line Road and Surveyor Boulevard, subject to the following conditions:

1. The plat shall be revised to indicate a joint access easement along the property line that is shared by Lots 1A and 2A.
2. The plat shall also be revised to add a Certificate of Approval, which should contain a line for the date the plat was approved by the City Council and signatures lines for the Mayor and the City Secretary.

Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R6 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4939 Belt Line Road, on application from Potbelly Sandwich Works, represented by Mr. Steve Young.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Silver moved to duly pass Ordinance No. 004-021 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4939 Belt Line Road, on application from Potbelly Sandwich Works, subject to the following condition:

1. 144 square feet of additional space may be allotted to the restaurant for outside tables, but no landscaping shall be removed to accommodate the tables.

Councilmember Turned seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R7 – **PUBLIC HEARING** and consideration of an Ordinance approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4350 Belt Line Road, on application from Tokyo One Restaurant, represented by Mr. Chaucer Chern.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 004-022 approving an amendment to an existing Special Use Permit for a restaurant and an existing Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 4350 Belt Line Road, on application from Tokyo One Restaurant, subject to the following conditions:

1. Four Crape Myrtles will be removed when the building is expanded; therefore, four new Crape Myrtles will need to be planted elsewhere on the site to mitigate these removed trees.
2. Some of the existing trees near the building are wrapped with holiday lights. The lights need to be removed immediately, as they are affecting the growth of the trees. The Crape Myrtles that will remain have been severely pruned and need to be allowed to grow back to their natural

growth habit. The Red Oak on the northwest corner of the building will also need the holiday lighting removed.

3. The existing 8" Caliper Red Oak underneath the Tokyo One sign on Belt Line Road has declined to a point that it needs replacing. This tree will need to be mitigated within the Belt Line Road street frontage with two (2) 4-inch Caliper Red Oaks.
4. The detention area on the south side of the property needs to be mowed and routinely maintained. Three (3) Bald Cypress are missing and need replacing in this area. In addition, the southeast corner planting bed needs refurbishing with ground cover and new Wax Myrtle.
5. The applicant will need to submit a revised planting plan showing the location of the new trees.

Councilmember Chow seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R8 – Consideration of a Resolution authorizing the City Manager to enter into a contract in an amount not to exceed \$31,000.00 with the Shakespeare Festival of Dallas for Shakespeare In the Park, June 4-6, 2004.

Councilmember Turner moved to duly pass Resolution No. R04-025 authorizing the City Manager to enter into a contract in an amount not to exceed \$31,000.00 with the Shakespeare Festival of Dallas for Shakespeare In the Park, June 4-6, 2004. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R9 – Consideration of a Resolution authorizing the City Manager to enter into an agreement with MAXIMUS, Inc. to assist the Town in a strategic review of its finance function.

Councilmember Turner moved to duly pass Resolution No. R04-026 authorizing the City Manager to enter into an agreement with MAXIMUS, Inc. to assist the Town in a strategic review of its finance function. Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

Item #R10 – Consideration of a Resolution authorizing the City Manager to enter into an agreement with ICMA-RC for administration of the Town’s deferred compensation program and issue notice to Nationwide Retirement Solutions for termination of that company’s services to the Town.

Councilmember Turner moved to duly approve Ron Whitehead, City Manager, to negotiate an agreement with ICMA-RC for administration of the Town’s deferred compensation program and issue notice to Nationwide Retirement Solutions for termination of that company’s services to the Town. After completion of negotiation, staff will present this item to Council for approval. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

**EXECUTIVE SESSION.** At 8:28 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.

Item #ES1 – Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney about contemplated litigation related to the Addison Airport.

Item #ES2 – Closed (executive) session of the Addison City Council pursuant to Section 551.074, Texas Government Code, to deliberate the evaluation of the City Manager.

The Council came out of Executive Session at 9:46 p.m.

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary